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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,785	10/18/2001	John Loring Yester	201-0303 JMS	5437

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EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,785

Applicant(s)

YESTER ET AL.

Examiner

Thu V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the specification paragraph [0029], the abbreviation "PDA" should be written in the unabbreviated format before the abbreviation "PDA" be subsequently used.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 8, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4; claim 8; claim 13; claim 17, line 8, the claimed "day/location" is ambiguous. It is not clear if the claimed limitation should be read as "day *or* location" or "day *and* location".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 7-9, 11-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (U.S Patent No. 5,808,374).

As per claim 1, Miller teaches a system for selectively setting a variable operating parameter in a vehicle, the system comprises: a portable information storage device 35 (fig.1A) for receiving and storing information representative of a particular operating parameter (col.3, lines 56-67; col.4, lines 1-6); a vehicle interface connected to an on-board control system for setting vehicle devices based on the information in the portable information storage device (col.3, lines 60-67).

Miller does not explicitly teach that the vehicle interface sets variable operating value. However, Miller teaches that the vehicle interface sets vehicle devices based on the received user preference signal from the portable device (col.3, lines 60-67), further, since setting the operating value for the servo that controls setting a vehicle device to a desired position would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide setting parameter to the controller 26 (fig.1) of Miller in order to provide automatic setting to a vehicle device from the user preference commands.

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As per claim 3, providing wireless communication device for communicating signals to/from the portable device 35 (fig.1A) of Miller would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a transceiver to the portable device and the interface device of Miller in order to allow remote control and remote set up between the portable device and the interface device of Miller.

As per claim 4, Miller teaches including user preference operating parameter for seat position (col.4, lines 8-20).

As per claim 11-12, Miller teaches storing changes to the user preference on the portable information storage device upon user command (col.4, lines 1-6). Further, automatically storing information representing the changes of the user preference on a portable medium would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow automatically updating user preference in the portable device in order to automatically store the new user preference.

As per claim 5, 7-9, 13-14, 16-17 refer to discussion in claim 1, 3-4 above.

6. Claims 2, 6, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (U.S Patent No. 5,808,374) in view of Zanchi et al (U.S Patent No. 5,633,484).

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As per claim 2, Miller does not teach a non-vehicle interface connected to an off board control system for setting variable operation value based on the information signal generated by the portable information storage device. However, Zanchi suggests including a non-vehicle interface for setting variable operating value based on the setting information stored in the portable device (col.5, lines 6-27, lines 61-67; col.6, lines 1-15). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an off-board interface of Zanchi to the onboard interface of Miller in order to allow setting devices that are not in the vehicle as taught by Zanchi in col.2, lines 32-37.

As per claim 6, 10, 15, refer to discussion in claim 2 above.

Cited Prior Arts

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Bertis (U.S Patent No. 6,198,996) teaches storing user preference in a portable device and set vehicle devices according to the user preference (col.16, lines 41-67) and further teaches automatically update user's setting (col.5, lines 61-67; col.6, lines 1-31).
 - b. Chene et al (US 2002/0096572) teaches storing user preference in a portable device and set the vehicles devices according to the user preferences (abstract; paragraph [0010]-[0014]).

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- c. Liu et al (US 2002/0081985) teaches storing user preference in a storage device, and select radio channel according to the user preference.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive,
Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703)305-7687 .

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1111.

Nguyen

Thu Nguyen

September 25, 2002